

## REMARKS

Claims 1-23 are pending in the application. Claim 1 has been amended. Claim 14 has been cancelled.

### **Specification**

Paragraph 40 has been amended in response to the Examiner's concern over the use of the term VELCRO. No new matter was added with this change.

### **Claim Objections**

Claim 14 has been cancelled in response to the Examiner's concern that it had duplicated claim 4.

### **Claim Rejections – 35 USC § 112**

The Examiner has rejected claims 9-12, and 22 “under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.” Office Action, page 3. Claims 9, 11, and 22 have been amended to address this rejection. Applicant requests withdrawal of this rejection.

### **Claim Rejections – 35 USC § 102**

The Examiner has rejected claims 1-11, 13-17, and 20-22 “under 35 U.S.C. 102(b) as being anticipated by O’Sullivan (U.S. Pat. No. 5,367,731).” Office Action, page 4. Applicant requests reconsideration in light of amendments to the claims.

Claim 1 has been amended to include the further limitation “and wherein said back surface is substantially planar”. Nowhere does O’Sullivan disclose a spinal rest “wherein said front surface has a indentation in said front surface, and wherein said back surface is substantially planar”, as recited in claim 1, as amended. Figure 4 of O’Sullivan is described in its specification as “a sectional view taken along line A-A of Fig. 2”. O’Sullivan, Col. 2,

Ins. 41-42. As seen in Figure 2 of O'Sullivan, the back surface appears to be rounded, not planar. Thus, O'Sullivan does not disclose a spinal rest "wherein said front surface has a indentation in said front surface, and wherein said back surface is substantially planar", as recited in claim 1, as amended.

Applicant requests withdrawal of this rejection with regard to claim 1. Claim 2-11, 13-17, and 20-22 are allowable at least for the reason of their dependence on claim 1.

Applicant requests withdrawal of these rejections.

### **Claim Rejections - - 35 USC § 103**

The Examiner has rejected claim 12 "under 35 U.S.C. 103(a) as being unpatentable over O'Sullivan in view of Contreras (U.S. Pat. No. 5,797,154)." Office Action, page 9. Applicant requests withdrawal of this rejection at least for the reason of the amendment to claim 1, upon which claim 12 ultimately depends, and the reasons stated above with regard to claim 1.

The Examiner has rejected claims 18 and 19 "under 35 U.S.C. 103(a) as being unpatentable over Adat, et al. (U.S. Pat. No. 6,490,743 B1)." Office Action, page 9. Applicant requests withdrawal of this rejection at least for the reason of the amendment to claim 1, upon which claims 18 and 19 ultimately depend, and the reasons stated above with regard to claim 1.

The Examiner has rejected claim 23 "under 35 U.S.C. 103(a) as being unpatentable over O'Sullivan." Office Action, page 10. Applicant requests withdrawal of this rejection at least for the reason of the amendment to claim 1, upon which claim 23 ultimately depends, and the reasons stated above with regard to claim 1.

### **Summary**

Applicant has amended claims and has responded to all of the objections and rejections. Applicant contends that all claims are in a condition for allowance and

respectfully requests allowance of all claims. Should the Examiner have any questions regarding this response, the Examiner is invited to contact the undersigned at (831) 462-8270.

A handwritten signature in black ink, appearing to read "Michael Guth", with a stylized flourish at the end.

Michael A. Guth  
Attorney for Applicant  
Reg. No. 45,983